

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Francisco Isaias MENDEZ-Garcia,

Defendant.

Magistrate Case No.: **'08 MJ 85 63**


COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

On or about June 20, 2008, within the Southern District of California, defendant Francisco Isaias MENDEZ-Garcia did knowingly and intentionally import approximately 28.50 kilograms (62.70 pounds) of marijuana, a schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Chad N. Worgen
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 23rd
DAY OF JUNE, 2008.


Peter C. Lewis
U.S. Magistrate Judge

PROBABLE CAUSE STATEMENT

I, Special Agent Chad N. Worgen with U.S. Immigration and Customs Enforcement, declare under penalty of perjury, the following is true and correct.

On June 20, 2008, at approximately 1745 hours, Canine Enforcement Officer (CEO) J. Jones was conducting pre-primary roving operations with his Narcotics Human Detector Dog (NHDD) at the Calexico, California West Port of Entry. CEO Jones' NHDD alerted to a 1985 Toyota pickup truck driven by Francisco Isaias MENDEZ-Garcia.

The pickup truck, driven by MENDEZ, was approaching vehicle primary inspection booth on lane # 4, which was occupied by Customs and Border Protection Officer (CBPO) S. Felix. CEO Jones informed Felix of the alert. CBPO Felix received a negative oral Customs declaration from MENDEZ. CBPO Felix observed MENDEZ showed signs of distress and uneasiness. MENDEZ and the pickup truck were taken to vehicle secondary for further processing.

CBPO T. Contreras was conducting secondary inspections when CEO Jones informed him that his NHDD had alerted to the pickup truck driven by MENDEZ. CBPO Contreras received a negative oral Customs declaration from MENDEZ. MENDEZ stated the vehicle belonged to his friend "Jose". CBPO Contreras conducted an intensive inspection of the vehicle, and discovered packages concealed within the gas tank. CBPO Contreras probed a package, and it produced a green leafy substance that field tested positive for marijuana. A total of thirty-two (32) packages of marijuana were discovered with a total weight of 28.50 kilograms (62.70 pounds).

MENDEZ was arrested for violation of Title 21 United States Code 952 and 960, Importation of a Controlled Substance. MENDEZ was advised of his rights per Miranda. MENDEZ acknowledged his rights and agreed to be interviewed without the presence of an attorney. MENDEZ stated he received the pickup truck off a street in Mexicali, Mexico. MENDEZ stated an individual named "Esteban" gave him the keys. He then later stated "Roberto" gave him the keys. MENDEZ stated he was dropping the vehicle off at the Wal-Mart parking lot located in Calexico, CA, and returning to Mexicali, Mexico in a taxi. MENDEZ agreed his behavior was suspicious.

Executed on June 21, 2008 at 1200 hours.

Chad N. Worgen S/A
Chad N. Worgen, Special Agent

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on June 20, 2008, in violation of Title 21, United States Code, Sections 952 and 960.

Louisa S. Porter
Louisa S. Porter, U.S. Magistrate Judge

6/20/08 12:50pm
Date/Time